

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KENNETH WILSON HANKS §
VS. § CIVIL ACTION NO. 1:06cv51
BRADY LIVINGSTON §

MEMORANDUM OPINION

Petitioner Kenneth Wilson Hanks, an inmate confined in the Goodman Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner has requested to proceed *in forma pauperis* in this action. Petitioner's prisoner account reflects he has maintained an average balance of \$53.38 in his prisoner account over the preceding six month period. Additionally, petitioner currently has \$51.09 in his account. Thus, petitioner has sufficient funds to pay the filing fee for this petition. Pursuant to General Order 88-19 petitioner should pay a filing fee of \$5.00.

Conclusion

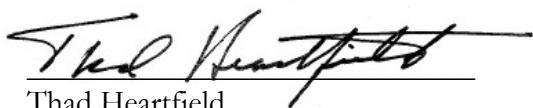
For the reasons set forth above, the petitioner should pay the \$5.00 filing fee in this action. Accordingly, it is

ORDERED that petitioner's motion to proceed *in forma pauperis* is **DENIED**. It is further

ORDERED that petitioner shall pay the filing fee of \$5.00 within 30 days of the signing of this order. Failure by the

petitioner to pay the filing fee in compliance with this order may lead to dismissal of this action, with or without prejudice, for failure to prosecute or to obey any order of the Court. Rule 41(b), Fed. R. Civ. P.

SIGNED this the 12 day of July, 2006.



Thad Heartfield
United States District Judge